UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1994/1084
22 September 1994
ENGLISH
ORIGINAL: ENGLISH/FRENCH

Argentina, Czech Republic, Djibouti, France, Germany, Nigeria, Oman, Pakistan, Russian Federation, Rwanda, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its earlier relevant resolutions,

Affirming its commitment to a negotiated settlement of the conflict in the former Yugoslavia, preserving the territorial integrity of all the States there within their internationally recognized borders,

Expressing appreciation for the efforts undertaken by the representatives of the United Nations, the European Union, the United States of America and the Russian Federation to assist the parties in reaching a settlement,

Reaffirming the need for a lasting peace settlement to be signed by all the Bosnian parties, and implemented in good faith by them, and condemning the decision by the Bosnian Serb party to refuse to accept the proposed territorial settlement (S/1994/1081),

Viewing the measures imposed by the present resolution and by its previous relevant resolutions as a means towards the end of producing a negotiated settlement to the conflict,

Expressing its support for the continuing efforts of Member States, in particular States in the region, to implement its relevant resolutions,

Determining that the situation in the former Yugoslavia continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

A

1. Expresses its approval of the proposed territorial settlement for the Republic of Bosnia and Herzegovina which has been put to the Bosnian parties as part of an overall peace settlement;

2. Expresses its satisfaction that the proposed territorial settlement has now been accepted in full by all except the Bosnian Serb party;

3. Strongly condemns the Bosnian Serb party for their refusal to accept the proposed territorial settlement, and demands that that party accept this settlement unconditionally and in full;

4. Requires all parties to continue to observe the cease-fire as agreed on 8 June 1994 and to refrain from all new acts of hostility;

5. Declares its readiness to take all measures necessary to assist the parties to give effect to the proposed settlement once it has been accepted by all parties, and in this connection encourages States, acting nationally or through regional agencies or arrangements, to cooperate in an effective manner with the Secretary-General in his efforts to aid the parties to implement the proposed settlement;

B

Resolved to reinforce and extend the measures imposed by its previous resolutions with regard to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces,

6. Calls upon States to desist from any political talks with the leadership of the Bosnian Serb party as long as that party has not accepted the proposed settlement in full;

7. Decides that States shall prevent

(i) economic activities carried on, after the date of adoption of this resolution, within their territories by any entity, wherever incorporated or constituted, which is owned or controlled, directly or indirectly, by:

(a) any person in, or resident in, or any entity, including any commercial, industrial or public utility undertaking, in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or

(b) any entity incorporated in or constituted under the law of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, as well as

(ii) economic activities carried on, after the date of adoption of this resolution, within their territories, by any person or entity, including those identified by States for the purpose of this resolution, found to be acting for or on behalf of and to the benefit of any entity, including any commercial, industrial or public utility undertaking in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or any entity identified in subparagraph (i) above;

provided

(a) that States may authorize such activities to be carried on within their territories, having satisfied themselves on a case-by-case basis that the activities do not result in the transfer of property or interests in property to any person or entity described in subparagraph (i) (a) or (b) above, and

(b) that nothing in this paragraph shall prevent the provision of supplies intended strictly for medical purposes and foodstuffs notified to the Committee established by resolution 724 (1991), or commodities and products for essential humanitarian needs approved by the Committee;

8. Decides that States shall revoke existing, and issue no further, authorization under paragraph 7 above in respect of any person or entity violating the measures imposed by this resolution or violating the measures imposed by earlier relevant resolutions, where those violations have occurred after the date of adoption of this resolution;

9. Decides that States shall consider the term "economic activities" used in paragraph 7 above to mean

(a) all activities of an economic nature, including commercial, financial and industrial activities and transactions, in particular all activities of an economic nature involving the use of or dealing in, with or in connection with property or interests in property,

(b) the exercise of rights relating to property or interests in property, and

(c) the establishment of any new entity or change in management of an existing entity;

10. Decides that States shall consider the term "property or interests in property" used in paragraphs 7 and 9 above to mean funds, financial, tangible and intangible assets, property rights, and publicly and privately traded securities and debt instruments, and any other financial and economic resources;

11. Decides that States in which there are funds or other financial assets or resources of

(i) any entity, including any commercial, industrial or public utility undertaking in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or

(ii) any entity identified in paragraph 7 (i) above or any person or entity identified in paragraph 7 (ii) above,

shall require all persons and entities within their territories holding such funds or other financial assets or resources to freeze them to ensure that neither they nor any other funds or any other financial assets or resources are made available directly or indirectly to or for the benefit of any of the above-mentioned persons or entities,

except

(a) payments made in connection with activities authorized in accordance with paragraph 7 above, or

(b) payments made in connection with transactions authorized by the Government of the Republic of Bosnia and Herzegovina with regard to persons or entities within its territory,

provided that States are satisfied that payments to persons outside their territories will be used for the purpose or in connection with the activities and transactions for which permission is sought; and that in the case of payments made under exception (a) above, States may authorize such payments only after they are satisfied on a case-by-case basis that the payments do not result in the transfer of funds or other financial assets or resources to any person or entity described in subparagraph (a) or (b) of paragraph 7 (i) above;

12. Decides that States shall ensure that all payments of dividends, interest or other income on shares, interest, bonds or debt obligations or amounts derived from an interest in, or the sale or other disposal of, or any other dealing with, tangible and intangible assets and property rights, accruing to

(i) any entity, including any commercial, industrial or public utility undertaking in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or

(ii) any entity identified in paragraph 7 (i) or any person or entity identified in paragraph 7 (ii) above,

are made only into frozen accounts;

13. Decides that the provision of services, both financial and non-financial, to any person or body for the purposes of any business carried on in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces shall be prohibited, the only exceptions being (a) telecommunications, postal services and legal services consistent with this resolution and earlier relevant resolutions, (b) services whose supply may be necessary for humanitarian or other exceptional purposes, as approved on a case-by-case basis by the Committee established by resolution 724 (1991), and (c) services authorized by the Government of the Republic of Bosnia and Herzegovina;

14. Decides that States shall prevent the entry into their territories of:

(a) the members of the authorities, including legislative authorities, in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces and officers of the Bosnian Serb military and paramilitary forces, and those acting on behalf of such authorities or forces;

(b) persons found, after the adoption of the present resolution, to have provided financial, material, logistical, military or other tangible support to Bosnian Serb forces in violation of relevant resolutions of the Council;

(c) persons in or resident in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces found to have violated or contributed to the violation of the measures set out in resolution 820 (1993) and in the present resolution;

and requests that the Committee established by resolution 724 (1991) establish and maintain an updated list, based on information provided by States and competent regional organizations, of the persons falling within this paragraph;

provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals; and provided that the entry of a person included in the list into a particular State on a specified date may be authorized, for purposes consistent with the pursuit of the peace process and with the present resolution and earlier relevant resolutions, by the Committee or, in the event of disagreement in the Committee, by the Council;

15. Decides to prohibit all commercial riverine traffic from entering ports of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces except when authorized on a case-by-case basis by the Committee established by resolution 724 (1991), or by the Government of the Republic of Bosnia and Herzegovina for its territory, or in case of force majeure;

16. Decides that States shall require that all shipments of commodities and products destined for those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces be properly manifested and either be physically inspected by the Sanctions Assistance Missions or the competent national authorities at loading to verify and seal their contents or be laden in a manner which permits adequate physical verification of the contents;

17. Decides that States shall, in notifying or submitting applications to the Committee established by resolution 724 (1991) in respect of supplies intended strictly for medical purposes and foodstuffs and essential humanitarian supplies in respect of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, report for information purposes to the Committee on the source of funds from which payment is to be made;

18. Decides that States shall, in implementing the measures imposed by this resolution, take steps to prevent the diversion of benefits to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces from other places, and in particular from the United Nations Protected Areas in Croatia;

19. Requests the Secretary-General to provide the necessary assistance to the Committee established by resolution 724 (1991) and to make the necessary arrangements in the Secretariat for that purpose;

20. Decides that the provisions set forth in this resolution do not apply to activities related to the United Nations Protection Force, the International Conference on the Former Yugoslavia or the European Community Monitoring Missions;

21. Decides to review the measures imposed by this resolution whenever appropriate and in any event every four months from the date of adoption of this resolution; and expresses its readiness to reconsider those measures if the Bosnian Serb party accepts the proposed territorial settlement unconditionally and in full;

22. Decides to remain actively seized of the matter and to consider immediately, whenever necessary, further steps to achieve a peaceful solution in conformity with relevant resolutions of the Council.